

House File 567

H-8289

1 Amend the Senate amendment, H-1340, to House File
2 567, as amended, passed, and reprinted by the House, as
3 follows:

4 1. By striking page 1, line 1, through page 15,
5 line 26, and inserting:

6 <Amend House File 567, as amended, passed, and
7 reprinted by the House, as follows:

8 1. By striking everything after the enacting clause
9 and inserting:

10 <DIVISION I

11 MEDICAL CANNABIDIOL

12 Section 1. Section 124.401, subsection 5,
13 unnumbered paragraph 3, Code 2016, is amended to read
14 as follows:

15 A person may knowingly or intentionally recommend,
16 possess, use, dispense, deliver, transport, or
17 administer cannabidiol if the recommendation,
18 possession, use, dispensing, delivery, transporting,
19 or administering is in accordance with the provisions
20 of ~~chapter 124D~~ 124E. For purposes of this paragraph,
21 "*cannabidiol*" means the same as defined in section
22 ~~124D.2~~ 124E.2.

23 Sec. 2. NEW SECTION. 124E.1 Short title.

24 This chapter shall be known and may be cited as the
25 "*Medical Cannabidiol Act*".

26 Sec. 3. NEW SECTION. 124E.2 Definitions.

27 As used in this chapter:

28 1. "*Debilitating medical condition*" means any of the
29 following:

30 a. Cancer, if the underlying condition or treatment
31 produces one or more of the following:

32 (1) Severe or chronic pain.

33 (2) Nausea or severe vomiting.

34 (3) Cachexia or severe wasting.

35 b. Multiple sclerosis, with severe and persistent

1 muscle spasms.

2 *c.* Seizures, including those characteristic of
3 epilepsy.

4 *d.* AIDS or HIV as defined in section 141A.1.

5 *e.* Crohn's disease.

6 *f.* Amyotrophic lateral sclerosis.

7 *g.* Any terminal illness, with a probable life
8 expectancy of under one year, if the illness or its
9 treatment produces one or more of the following:

10 (1) Severe or chronic pain.

11 (2) Nausea or severe vomiting.

12 (3) Cachexia or severe wasting.

13 2. "*Department*" means the department of public
14 health.

15 3. "*Disqualifying felony offense*" means a violation
16 under federal or state law of a felony under federal or
17 state law, which has as an element the possession, use,
18 or distribution of a controlled substance, as defined
19 in 21 U.S.C. §802(6).

20 4. "*Health care practitioner*" means an individual
21 licensed under chapter 148 to practice medicine and
22 surgery or osteopathic medicine and surgery.

23 5. "*Medical cannabidiol*" means a nonpsychoactive
24 cannabinoid found in the plant *Cannabis sativa* L.
25 or, *Cannabis indica* or any other preparation thereof
26 that is essentially free from plant material, and has
27 a tetrahydrocannabinol level of no more than three
28 percent, and that is delivered in any of the following
29 forms:

30 *a.* Liquid, including but not limited to oil.

31 *b.* Pill.

32 *c.* Through a vaporized delivery method with the use
33 of liquid or oil but which does not include the use of
34 dried leaves or plant form.

35 6. "*Primary caregiver*" means a person including but

1 not limited to a parent or legal guardian, at least
2 twenty-one years of age, who has been designated by
3 a patient's health care practitioner as a necessary
4 caretaker taking responsibility for managing the
5 well-being of the patient with respect to the use of
6 medical cannabidiol pursuant to the provisions of this
7 chapter.

8 7. "*Written certification*" means a document signed
9 by a health care practitioner, with whom the patient
10 has established a patient-provider relationship, which
11 states that the patient has a debilitating medical
12 condition and identifies that condition and provides
13 any other relevant information.

14 Sec. 4. NEW SECTION. 124E.3 Health care
15 practitioner certification — duties.

16 1. Prior to a patient's submission of an
17 application for a medical cannabidiol card pursuant to
18 section 124E.4, a health care practitioner shall do all
19 of the following:

20 a. Determine, in the health care practitioner's
21 medical judgment, whether the patient whom the health
22 care practitioner has examined and treated suffers from
23 a debilitating medical condition that qualifies for
24 the use of medical cannabidiol under this chapter, and
25 if so determined, provide the patient with a written
26 certification of that diagnosis.

27 b. Provide explanatory information as provided by
28 the department to the patient about the therapeutic
29 use of medical cannabidiol and the possible risks,
30 benefits, and side effects of the proposed treatment.

31 2. Subsequently, the health care practitioner shall
32 do the following:

33 a. Determine, on an annual basis, if the patient
34 continues to suffer from a debilitating medical
35 condition and, if so, issue the patient a new

1 certification of that diagnosis.

2 *b.* Otherwise comply with all requirements
3 established by the department pursuant to rule.

4 3. A health care practitioner may provide, but has
5 no duty to provide, a written certification pursuant
6 to this section.

7 Sec. 5. NEW SECTION. 124E.4 Medical cannabidiol
8 registration card.

9 1. *Issuance to patient.* Subject to subsection 7,
10 the department may approve the issuance of a medical
11 cannabidiol registration card by the department of
12 transportation to a patient who:

13 *a.* Is at least eighteen years of age.

14 *b.* Is a permanent resident of this state.

15 *c.* Submits a written certification to the
16 department signed by the patient's health care
17 practitioner that the patient is suffering from a
18 debilitating medical condition.

19 *d.* Submits an application to the department, on a
20 form created by the department, in consultation with
21 the department of transportation, that contains all of
22 the following:

23 (1) The patient's full name, Iowa residence
24 address, date of birth, and telephone number.

25 (2) A copy of the patient's valid photograph
26 identification.

27 (3) Full name, address, and telephone number of the
28 patient's health care practitioner.

29 (4) Full name, residence address, date of birth,
30 and telephone number of each primary caregiver of the
31 patient, if any.

32 (5) Any other information required by rule.

33 *e.* Has not been convicted of a disqualifying felony
34 offense.

35 2. *Patient card contents.* A medical cannabidiol

1 registration card issued to a patient by the department
2 of transportation pursuant to subsection 1 shall
3 contain, at a minimum, all of the following:

4 *a.* The patient's full name, Iowa residence address,
5 and date of birth.

6 *b.* The patient's photograph.

7 *c.* The date of issuance and expiration date of the
8 registration card.

9 *d.* Any other information required by rule.

10 3. *Issuance to primary caregiver.* For a patient in
11 a primary caregiver's care, subject to subsection 7,
12 the department may approve the issuance of a medical
13 cannabidiol registration card by the department of
14 transportation to the primary caregiver who:

15 *a.* Is at least twenty-one years of age.

16 *b.* Submits a written certification to the
17 department signed by the patient's health care
18 practitioner that the patient in the primary
19 caregiver's care is suffering from a debilitating
20 medical condition.

21 *c.* Submits an application to the department, on a
22 form created by the department, in consultation with
23 the department of transportation, that contains all of
24 the following:

25 (1) The primary caregiver's full name, residence
26 address, date of birth, and telephone number.

27 (2) The patient's full name.

28 (3) A copy of the primary caregiver's valid
29 photograph identification.

30 (4) Full name, address, and telephone number of the
31 patient's health care practitioner.

32 (5) Any other information required by rule.

33 *d.* Has not been convicted of a disqualifying felony
34 offense.

35 4. *Primary caregiver card contents.* A medical

1 cannabidiol registration card issued by the department
2 of transportation to a primary caregiver pursuant to
3 subsection 3 shall contain, at a minimum, all of the
4 following:

5 *a.* The primary caregiver's full name, residence
6 address, and date of birth.

7 *b.* The primary caregiver's photograph.

8 *c.* The date of issuance and expiration date of the
9 registration card.

10 *d.* The registration card number of each patient
11 in the primary caregiver's care. If the patient
12 in the primary caregiver's care is under the age of
13 eighteen, the full name of the patient's parent or
14 legal guardian.

15 *e.* Any other information required by rule.

16 5. *Expiration date of card.* A medical cannabidiol
17 registration card issued pursuant to this section shall
18 expire one year after the date of issuance and may be
19 renewed.

20 6. *Card issuance — department of*
21 *transportation.* The department may enter into
22 a chapter 28E agreement with the department of
23 transportation to facilitate the issuance of medical
24 cannabidiol registration cards pursuant to subsections
25 1 and 3.

26 7. *Federally approved clinical trials.* The
27 department shall not approve the issuance of a medical
28 cannabidiol card pursuant to this section for a patient
29 who is enrolled in a federally approved clinical trial
30 for the treatment of a debilitating medical condition
31 with medical cannabidiol.

32 Sec. 6. NEW SECTION. 124E.5 Department duties —
33 rules.

34 1. *a.* The department shall maintain a confidential
35 file of the names of each patient to or for whom the

1 department issues a medical cannabidiol registration
2 card and the name of each primary caregiver to whom the
3 department issues a medical cannabidiol registration
4 card under section 124E.4.

5 *b.* Individual names contained in the file shall be
6 confidential and shall not be subject to disclosure,
7 except as provided in subparagraph (1).

8 (1) Information in the confidential file maintained
9 pursuant to paragraph "a" may be released on an
10 individual basis to the following persons under the
11 following circumstances:

12 (a) To authorized employees or agents of the
13 department and the department of transportation as
14 necessary to perform the duties of the department and
15 the department of transportation pursuant to this
16 chapter.

17 (b) To authorized employees of law enforcement
18 agencies of a state or political subdivision thereof,
19 but only for the purpose of verifying that a person
20 is lawfully in possession of a medical cannabidiol
21 registration card issued pursuant to this chapter.

22 (c) To any other authorized persons recognized by
23 the department by rule, but only for the purpose of
24 verifying that a person is lawfully in possession of a
25 medical cannabidiol registration card issued pursuant
26 to this chapter.

27 (2) Release of information pursuant to subparagraph
28 (1) shall be consistent with the federal Health
29 Insurance Portability and Accountability Act of 1996,
30 Pub. L. No. 104-191.

31 2. The department shall adopt rules pursuant to
32 chapter 17A to administer [this chapter](#) which shall
33 include but not be limited to rules to do all of the
34 following:

35 *a.* Govern the manner in which the department shall

1 consider applications for new and renewal medical
2 cannabidiol registration cards.

3 *b.* Ensure that the medical cannabidiol registration
4 card program operates on a self-sustaining basis.

5 *c.* Review and publicly report the existing medical
6 and scientific literature regarding the range of
7 recommended dosages for each debilitating medical
8 condition and the range of chemical compositions of
9 any plant of the genus cannabis that will likely be
10 medically beneficial for each of the debilitating
11 medical conditions. The department shall make this
12 information available to patients with debilitating
13 medical conditions beginning December 1, 2016, and
14 update the information annually.

15 Sec. 7. NEW SECTION. 124E.6 Use of medical
16 cannabidiol — affirmative defenses.

17 1. A health care practitioner, including any
18 authorized agent or employee thereof, shall not be
19 subject to prosecution for the unlawful certification,
20 possession, or administration of marijuana under the
21 laws of this state for activities arising directly
22 out of or directly related to the certification or
23 use of medical cannabidiol or medical cannabidiol
24 products in the treatment of a patient diagnosed with
25 a debilitating medical condition as authorized by this
26 chapter.

27 2. *a.* In a prosecution for the unlawful possession
28 of marijuana under the laws of this state, including
29 but not limited to chapters 124 and 453B, it is an
30 affirmative and complete defense to the prosecution
31 that the patient has been diagnosed with a debilitating
32 medical condition, used or possessed medical
33 cannabidiol or medical cannabidiol products pursuant
34 to a certification by a health care practitioner as
35 authorized under this chapter, and, for a patient

1 eighteen years of age or older, is in possession of
2 a valid medical cannabidiol registration card issued
3 pursuant to this chapter.

4 *b.* In a prosecution for the unlawful possession
5 of marijuana under the laws of this state, including
6 but not limited to chapters 124 and 453B, it is an
7 affirmative and complete defense to the prosecution
8 that the person possessed medical cannabidiol or
9 medical cannabidiol products because the person is a
10 primary caregiver of a patient who has been diagnosed
11 with a debilitating medical condition and is in
12 possession of a valid medical cannabidiol registration
13 card issued pursuant to this chapter, and where
14 the primary caregiver's possession of the medical
15 cannabidiol or medical cannabidiol products is on
16 behalf of the patient and for the patient's use only as
17 authorized under this chapter.

18 *c.* If a patient or primary caregiver is charged
19 with the unlawful possession of marijuana under the
20 laws of this state, including but not limited to
21 chapters 124 and 453B, and is not in possession of
22 the person's medical cannabidiol registration card,
23 any charge or charges filed against the person shall
24 be dismissed by the court if the person produces to
25 the court prior to or at the person's trial a medical
26 cannabidiol registration card issued to that person and
27 valid at the time the person was charged.

28 3. An agency of this state or a political
29 subdivision thereof, including any law enforcement
30 agency, shall not remove or initiate proceedings to
31 remove a patient under the age of eighteen from the
32 home of a parent based solely upon the parent's or
33 patient's possession or use of medical cannabidiol or
34 medical cannabidiol products as authorized under this
35 chapter.

1 4. The department, the department of
2 transportation, and any health care practitioner,
3 including any authorized agent or employee thereof, are
4 not subject to any civil or disciplinary penalties by
5 the board of medicine or any business, occupational,
6 or professional licensing board or entity, solely for
7 activities conducted relating to a patient's possession
8 or use of medical cannabidiol or medical cannabidiol
9 products as authorized under this chapter. Nothing in
10 this section affects a professional licensing board
11 from taking action in response to violations of any
12 other section of law.

13 5. Notwithstanding any law to the contrary, the
14 department, the department of transportation, the
15 governor, or any employee of any state agency shall not
16 be held civilly or criminally liable for any injury,
17 loss of property, personal injury, or death caused by
18 any act or omission while acting within the scope of
19 office or employment as authorized under this chapter.

20 6. An attorney shall not be subject to disciplinary
21 action by the Iowa supreme court or attorney
22 disciplinary board for providing legal assistance to
23 a patient, primary caregiver, or others based upon a
24 patient's or primary caregiver's possession or use of
25 medical cannabidiol as authorized under this chapter.

26 7. Possession of a medical cannabidiol registration
27 card or an application for a medical cannabidiol
28 registration card by a person entitled to possess or
29 apply for a medical cannabidiol registration card shall
30 not constitute probable cause or reasonable suspicion,
31 and shall not be used to support a search of the person
32 or property of the person possessing or applying for
33 the medical cannabidiol registration card, or otherwise
34 subject the person or property of the person to
35 inspection by any governmental agency.

1 Sec. 8. NEW SECTION. 124E.7 Medical cannabidiol
2 source.

3 Medical cannabidiol provided exclusively pursuant to
4 a written certification of a health care practitioner
5 shall be obtained from an out-of-state source.

6 Sec. 9. NEW SECTION. 124E.8 Penalties.

7 A person who knowingly or intentionally possesses
8 or uses medical cannabidiol in violation of the
9 requirements of this chapter is subject to the
10 penalties provided under chapters 124 and 453B.

11 Sec. 10. NEW SECTION. 124E.9 Use of medical
12 cannabidiol — smoking prohibited.

13 A patient shall not consume medical cannabidiol
14 possessed or used as authorized under this chapter by
15 smoking medical cannabidiol.

16 Sec. 11. Section 730.5, subsection 11, Code 2016,
17 is amended by adding the following new paragraph:

18 NEW PARAGRAPH. *f.* Testing or taking action against
19 an individual with a confirmed positive test result due
20 to the individual's use of cannabidiol as authorized
21 under chapter 124E.

22 Sec. 12. TRANSITION PROVISIONS. A medical
23 cannabidiol registration card issued under chapter
24 124D prior to the effective date of this division of
25 this Act, remains effective and continues in effect
26 as issued for the twelve-month period following its
27 issuance. This division of this Act does not preclude
28 the medical cannabidiol cardholder from seeking to
29 renew the holder's medical cannabidiol registration
30 card under this division of this Act prior to the
31 expiration of the twelve-month period.

32 Sec. 13. REPEAL. Chapter 124D, Code 2016, is
33 repealed.

34 Sec. 14. EFFECTIVE UPON ENACTMENT. This division
35 of this Act, being deemed of immediate importance,

1 takes effect upon enactment.

2 DIVISION II

3 SYNTHETIC DRUGS

4 Sec. 15. Section 124.101, Code 2016, is amended by
5 adding the following new subsection:

6 NEW SUBSECTION. 15A. "*Imitation controlled*
7 *substance*" means a substance which is not a controlled
8 substance but which by color, shape, size, markings,
9 and other aspects of dosage unit appearance, and
10 packaging or other factors, appears to be or resembles
11 a controlled substance. The board of pharmacy may
12 designate a substance as an imitation controlled
13 substance pursuant to the board's rulemaking authority
14 and in accordance with chapter 17A. "*Imitation*
15 *controlled substance*" also means any substance
16 determined to be an imitation controlled substance
17 pursuant to section 124.101B.

18 Sec. 16. NEW SECTION. 124.101B Factors indicating
19 an imitation controlled substance.

20 If a substance has not been designated as an
21 imitation controlled substance by the board of pharmacy
22 and if dosage unit appearance alone does not establish
23 that a substance is an imitation controlled substance,
24 the following factors may be considered in determining
25 whether the substance is an imitation controlled
26 substance:

27 1. The person in control of the substance expressly
28 or impliedly represents that the substance has the
29 effect of a controlled substance.

30 2. The person in control of the substance expressly
31 or impliedly represents that the substance because
32 of its nature or appearance can be sold or delivered
33 as a controlled substance or as a substitute for a
34 controlled substance.

35 3. The person in control of the substance either

1 demands or receives money or other property having a
2 value substantially greater than the actual value of
3 the substance as consideration for delivery of the
4 substance.

5 Sec. 17. Section 124.201, subsection 4, Code 2016,
6 is amended to read as follows:

7 4. If any new substance is designated as a
8 controlled substance under federal law and notice of
9 the designation is given to the board, the board shall
10 similarly designate as controlled the new substance
11 under [this chapter](#) after the expiration of thirty days
12 from publication in the federal register of a final
13 order designating a new substance as a controlled
14 substance, unless within that thirty-day period the
15 board objects to the new designation. In that case
16 the board shall publish the reasons for objection and
17 afford all interested parties an opportunity to be
18 heard. At the conclusion of the hearing the board
19 shall announce its decision. Upon publication of
20 objection to a new substance being designated as a
21 controlled substance under [this chapter](#) by the board,
22 control under [this chapter](#) is stayed until the board
23 publishes its decision. If a substance is designated
24 as controlled by the board under [this subsection](#) the
25 control shall be considered a temporary and if, within
26 ~~sixty days after the next regular session of the~~
27 ~~general assembly convenes, the general assembly has not~~
28 ~~made the corresponding changes in [this chapter](#), the~~
29 ~~temporary designation of control of the substance by~~
30 ~~the board shall be nullified~~ amendment to the schedules
31 of controlled substances in this chapter. If the
32 board so designates a substance as controlled, which
33 is considered a temporary amendment to the schedules
34 of controlled substances in this chapter, and if
35 the general assembly does not amend this chapter to

1 enact the temporary amendment and make the enactment
2 effective within two years from the date the temporary
3 amendment first became effective, the temporary
4 amendment is repealed by operation of law two years
5 from the effective date of the temporary amendment. A
6 temporary amendment repealed by operation of law is
7 subject to section 4.13 relating to the construction
8 of statutes and the application of a general savings
9 provision.

10 Sec. 18. Section 124.204, subsection 4, paragraph
11 ai, subparagraphs (3), (4), and (5), Code 2016, are
12 amended by striking the subparagraphs.

13 Sec. 19. Section 124.204, subsection 4, paragraph
14 aj, Code 2016, is amended by striking the paragraph and
15 inserting in lieu thereof the following:

16 *aj.* 5-methoxy-N,N-dimethyltryptamine.

17 Some trade or other names:

18 5-methoxy-3-[2-(dimethylamino)ethyl]indole; 5-MeO-DMT.

19 Sec. 20. Section 124.204, subsection 4, paragraph
20 ak, Code 2016, is amended by striking the paragraph and
21 inserting in lieu thereof the following:

22 *ak.* 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine
23 (2C-E).

24 Sec. 21. Section 124.204, subsection 4, Code 2016,
25 is amended by adding the following new paragraphs:

26 NEW PARAGRAPH. *al.* 2-(2,5-Dimethoxy-4-
27 methylphenyl)ethanamine (2C-D).

28 NEW PARAGRAPH. *am.* 2-(4-Chloro-2,5-
29 dimethoxyphenyl)ethanamine (2C-C).

30 NEW PARAGRAPH. *an.* 2-(4-Iodo-2,5-
31 dimethoxyphenyl)ethanamine (2C-I).

32 NEW PARAGRAPH. *ao.* 2-[4-(Ethylthio)-2,5-
33 dimethoxyphenyl]ethanamine (2C-T-2).

34 NEW PARAGRAPH. *ap.* 2-[4-(Isopropylthio)-2,5-
35 dimethoxyphenyl]ethanamine (2C-T-4).

1 NEW PARAGRAPH. *aq.* 2-(2,5-Dimethoxyphenyl)
2 ethanamine (2C-H).

3 NEW PARAGRAPH. *ar.* 2-(2,5-Dimethoxy-4-
4 nitrophenyl)ethanamine (2C-N).

5 NEW PARAGRAPH. *as.* 2-(2,5-Dimethoxy-4-(n)-
6 propylphenyl)ethanamine (2C-P).

7 Sec. 22. Section 124.204, subsection 6, paragraph
8 i, subparagraph (3), Code 2016, is amended by striking
9 the subparagraph and inserting in lieu thereof the
10 following:

11 (3) 3,4-Methylenedioxy-N-methylcathinone
12 (methydone).

13 Sec. 23. Section 124.204, subsection 6, paragraph
14 i, subparagraphs (23), (24), (25), and (26), Code 2016,
15 are amended by striking the subparagraphs.

16 Sec. 24. Section 124.204, subsection 9, Code 2016,
17 is amended by adding the following new paragraphs:

18 NEW PARAGRAPH. *0a.* HU-210.
19 [(6aR,10aR)-9-(hydroxymethyl)-
20 6,6-dimethyl-3-(2-methyloctan-2-yl) 6a,7,10,10a-
21 tetrahydrobenzo[c] chromen-1-ol)].

22 NEW PARAGRAPH. *00a.* HU-211(dexanabinol,
23 (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
24 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]
25 chromen-1-ol).

26 NEW PARAGRAPH. *000a.* Unless specifically exempted
27 or unless listed in another schedule, any material,
28 compound, mixture, or preparation which contains any
29 quantity of cannabimimetic agents, or which contains
30 their salts, isomers, and salts of isomers whenever the
31 existence of such salts, isomers, and salts of isomers
32 is possible within the specific chemical designation.

33 (1) The term "*cannabimimetic agents*" means any
34 substance that is a cannabinoid receptor type 1 (CB1
35 receptor) agonist as demonstrated by binding studies

1 and functional assays within any of the following
2 structural classes:

3 (a) 2-(3-hydroxycyclohexyl)phenol with substitution
4 at the 5-position of the phenolic ring by alkyl or
5 alkenyl, whether or not substituted on the cyclohexyl
6 ring to any extent.

7 (b) 3-(1-naphthoyl)indole or
8 3-(1-naphthylmethane)indole by substitution at the
9 nitrogen atom of the indole ring, whether or not
10 further substituted on the indole ring to any extent,
11 whether or not substituted on the naphthoyl or naphthyl
12 ring to any extent.

13 (c) 3-(1-naphthoyl)pyrrole by substitution at the
14 nitrogen atom of the pyrrole ring, whether or not
15 further substituted in the pyrrole ring to any extent,
16 whether or not substituted on the naphthoyl ring to any
17 extent.

18 (d) 1-(1-naphthylmethylene)indene by substitution
19 of the 3-position of the indene ring, whether or not
20 further substituted in the indene ring to any extent,
21 whether or not substituted on the naphthyl ring to any
22 extent.

23 (e) 3-phenylacetylindole or 3-benzoylindole by
24 substitution at the nitrogen atom of the indole ring,
25 whether or not further substituted in the indole ring
26 to any extent, whether or not substituted on the phenyl
27 ring to any extent.

28 (2) Such terms include:

29 (a) CP 47,497 and homologues
30 5-(1,1-dimethylheptyl)-2-
31 [(1R,3S)-3-hydroxycyclohexyl]phenol.

32 (b) JWH-018 and AM678
33 1-Pentyl-3-(1-naphthoyl)indole.

34 (c) JWH-073 1-Butyl-3-(1-naphthoyl)indole.

35 (d) JWH-200[1-[2-(4-morpholinyl)ethyl]-1H-

1 indol-3-yl]-1-naphthalenyl-methanone.
2 (e) JWH-19 1-hexyl-3-(1-naphthoyl)indole.
3 (f) JWH-81
4 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole.
5 (g) JWH-122
6 1-pentyl-3-(4-methyl-1-naphthoyl)indole.
7 (h) JWH-250
8 1-pentyl-3-(2-methoxyphenylacetyl)indole.
9 (i) RCS-4 and SR-19
10 1-pentyl-3-[(4methoxy)-benzoyl]indole.
11 (j) RCS-8 and SR 18 1-cyclohexylethyl-3-
12 (2-methoxyphenylacetyl)indole.
13 (k) AM2201
14 1-(5-fluoropentyl)-3-(1-naphthoyl)indole.
15 (l) JWH-203
16 1-pentyl-3-(2-chlorophenylacetyl)indole.
17 (m) JWH-398
18 1-pentyl-3-(4-chloro-1-naphthoyl)indole.
19 (n) AM694
20 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.
21 (o) Cannabicyclohexanol or CP-47,497 C8-homolog 5-
22 (1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol.
23 Sec. 25. Section 124.208, subsection 5, paragraph
24 a, subparagraphs (3) and (4), Code 2016, are amended by
25 striking the subparagraphs.
26 Sec. 26. Section 124.210, subsection 2, Code 2016,
27 is amended by adding the following new paragraph:
28 NEW PARAGRAPH. c. 2-[(dimethylamino)methyl]-1-
29 (3-methoxyphenyl)cyclohexanol, its salts, optical
30 and geometric isomers, and salts of these isomers
31 (including tramadol).
32 Sec. 27. Section 124.210, subsection 3, Code 2016,
33 is amended by adding the following new paragraphs:
34 NEW PARAGRAPH. bb. Alfaxalone.
35 NEW PARAGRAPH. bc. Suvorexant.

1 Sec. 28. Section 124.401, subsection 1, unnumbered
2 paragraph 1, Code 2016, is amended to read as follows:

3 Except as authorized by [this chapter](#), it is unlawful
4 for any person to manufacture, deliver, or possess with
5 the intent to manufacture or deliver, a controlled
6 substance, a counterfeit substance, ~~or~~ a simulated
7 controlled substance, or an imitation controlled
8 substance, or to act with, enter into a common scheme
9 or design with, or conspire with one or more other
10 persons to manufacture, deliver, or possess with
11 the intent to manufacture or deliver a controlled
12 substance, a counterfeit substance, ~~or~~ a simulated
13 controlled substance, or an imitation controlled
14 substance.

15 Sec. 29. Section 124.401, subsection 1, paragraph
16 a, unnumbered paragraph 1, Code 2016, is amended to
17 read as follows:

18 Violation of [this subsection](#), with respect to
19 the following controlled substances, counterfeit
20 substances, ~~or~~ simulated controlled substances, or
21 imitation controlled substances, is a class "B" felony,
22 and notwithstanding [section 902.9, subsection 1](#),
23 paragraph "b", shall be punished by confinement for no
24 more than fifty years and a fine of not more than one
25 million dollars:

26 Sec. 30. Section 124.401, subsection 1, paragraph
27 a, Code 2016, is amended by adding the following new
28 subparagraph:

29 NEW SUBPARAGRAPH. (8) More than ten kilograms of a
30 mixture or substance containing any detectable amount
31 of those substances identified in section 124.204,
32 subsection 9.

33 Sec. 31. Section 124.401, subsection 1, paragraph
34 b, unnumbered paragraph 1, Code 2016, is amended to
35 read as follows:

1 Violation of this subsection with respect to
2 the following controlled substances, counterfeit
3 substances, ~~or~~ simulated controlled substances, or
4 imitation controlled substances is a class "B" felony,
5 and in addition to the provisions of section 902.9,
6 subsection 1, paragraph "b", shall be punished by a
7 fine of not less than five thousand dollars nor more
8 than one hundred thousand dollars:

9 Sec. 32. Section 124.401, subsection 1, paragraph
10 b, Code 2016, is amended by adding the following new
11 subparagraph:

12 NEW SUBPARAGRAPH. (9) More than five kilograms but
13 not more than ten kilograms of a mixture or substance
14 containing any detectable amount of those substances
15 identified in section 124.204, subsection 9.

16 Sec. 33. Section 124.401, subsection 1, paragraph
17 c, unnumbered paragraph 1, Code 2016, is amended to
18 read as follows:

19 Violation of this subsection with respect to
20 the following controlled substances, counterfeit
21 substances, ~~or~~ simulated controlled substances, or
22 imitation controlled substances is a class "C" felony,
23 and in addition to the provisions of section 902.9,
24 subsection 1, paragraph "d", shall be punished by a
25 fine of not less than one thousand dollars nor more
26 than fifty thousand dollars:

27 Sec. 34. Section 124.401, subsection 1, paragraph
28 c, Code 2016, is amended by adding the following new
29 subparagraph:

30 NEW SUBPARAGRAPH. (7A) Five kilograms or less of a
31 mixture or substance containing any detectable amount
32 of those substances identified in section 124.204,
33 subsection 9.

34 Sec. 35. Section 124.401, subsection 1, paragraph
35 c, subparagraph (8), Code 2016, is amended to read as

1 follows:

2 (8) Any other controlled substance, counterfeit
3 substance, ~~or~~ simulated controlled substance, or
4 imitation controlled substance classified in schedule
5 I, II, or III, except as provided in paragraph "d".

6 Sec. 36. Section 124.401, subsection 1, paragraph
7 d, Code 2016, is amended to read as follows:

8 d. Violation of this subsection, with respect
9 to any other controlled substances, counterfeit
10 substances, ~~or~~ simulated controlled substances
11 ~~classified in section 124.204, subsection 4, paragraph~~
12 ~~"ai", or section 124.204, subsection 6, paragraph "i",~~
13 ~~or, or imitation controlled substances~~ classified
14 in schedule IV or V is an aggravated misdemeanor.
15 However, violation of this subsection involving
16 fifty kilograms or less of marijuana or involving
17 flunitrazepam is a class "D" felony.

18 Sec. 37. Section 124.401, subsection 2, Code 2016,
19 is amended to read as follows:

20 2. If the same person commits two or more acts
21 which are in violation of subsection 1 and the acts
22 occur in approximately the same location or time
23 period so that the acts can be attributed to a single
24 scheme, plan, or conspiracy, the acts may be considered
25 a single violation and the weight of the controlled
26 substances, counterfeit substances, ~~or~~ simulated
27 controlled substances, or imitation controlled
28 substances involved may be combined for purposes of
29 charging the offender.

30 Sec. 38. Section 124.401, subsection 5, unnumbered
31 paragraph 1, Code 2016, is amended to read as follows:

32 It is unlawful for any person knowingly or
33 intentionally to possess a controlled substance unless
34 such substance was obtained directly from, or pursuant
35 to, a valid prescription or order of a practitioner

1 while acting in the course of the practitioner's
2 professional practice, or except as otherwise
3 authorized by **this chapter**. Any person who violates
4 this subsection is guilty of a serious misdemeanor for
5 a first offense. A person who commits a violation of
6 this subsection and who has previously been convicted
7 of violating **this chapter** or **chapter ~~124A~~, 124B**, or
8 **453B**, or **chapter 124A as it existed prior to July**
9 **1, 2016**, is guilty of an aggravated misdemeanor. A
10 person who commits a violation of **this subsection** and
11 has previously been convicted two or more times of
12 violating **this chapter** or **chapter ~~124A~~, 124B**, or **453B**,
13 or **chapter 124A as it existed prior to July 1, 2016**, is
14 guilty of a class "D" felony.

15 Sec. 39. Section 124.401A, Code 2016, is amended to
16 read as follows:

17 **124.401A Enhanced penalty for manufacture or**
18 **distribution to persons on certain real property.**

19 In addition to any other penalties provided in
20 this chapter, a person who is eighteen years of age
21 or older who unlawfully manufactures with intent to
22 distribute, distributes, or possesses with intent to
23 distribute a substance or counterfeit substance listed
24 in schedule I, II, or III, or a simulated or imitation
25 controlled substance represented to be a controlled
26 substance classified in schedule I, II, or III, to
27 another person who is eighteen years of age or older in
28 or on, or within one thousand feet of the real property
29 comprising a public or private elementary or secondary
30 school, public park, public swimming pool, public
31 recreation center, or on a marked school bus, may be
32 sentenced up to an additional term of confinement of
33 five years.

34 Sec. 40. Section 124.401B, Code 2016, is amended to
35 read as follows:

1 **124.401B Possession of controlled substances on**
2 **certain real property — additional penalty.**

3 In addition to any other penalties provided in this
4 chapter or another chapter, a person who unlawfully
5 possesses a substance listed in schedule I, II, or
6 III, or a simulated or imitation controlled substance
7 represented to be a controlled substance classified
8 in schedule I, II, or III, in or on, or within one
9 thousand feet of the real property comprising a public
10 or private elementary or secondary school, public park,
11 public swimming pool, public recreation center, or on
12 a marked school bus, may be sentenced to one hundred
13 hours of community service work for a public agency
14 or a nonprofit charitable organization. The court
15 shall provide the offender with a written statement of
16 the terms and monitoring provisions of the community
17 service.

18 Sec. 41. Section 124.406, subsection 2, Code 2016,
19 is amended to read as follows:

20 2. A person who is eighteen years of age or older
21 who:

22 a. Unlawfully distributes or possesses with the
23 intent to distribute a counterfeit substance listed
24 in schedule I or II, or a simulated or imitation
25 controlled substance represented to be a substance
26 classified in schedule I or II, to a person under
27 eighteen years of age commits a class "B" felony.
28 However, if the substance was distributed in or on,
29 or within one thousand feet of, the real property
30 comprising a public or private elementary or secondary
31 school, public park, public swimming pool, public
32 recreation center, or on a marked school bus, the
33 person shall serve a minimum term of confinement of ten
34 years.

35 b. Unlawfully distributes or possesses with intent

1 to distribute a counterfeit substance listed in
2 schedule III, or a simulated or imitation controlled
3 substance represented to be any substance listed in
4 schedule III, to a person under eighteen years of age
5 who is at least three years younger than the violator
6 commits a class "C" felony.

7 *c.* Unlawfully distributes a counterfeit substance
8 listed in schedule IV or V, or a simulated or imitation
9 controlled substance represented to be a substance
10 listed in schedule IV or V, to a person under eighteen
11 years of age who is at least three years younger than
12 the violator commits an aggravated misdemeanor.

13 Sec. 42. Section 124.415, Code 2016, is amended to
14 read as follows:

15 **124.415 Parental and school notification — persons**
16 **under eighteen years of age.**

17 A peace officer shall make a reasonable effort to
18 identify a person under the age of eighteen discovered
19 to be in possession of a controlled substance,
20 counterfeit substance, ~~or~~ simulated controlled
21 substance, or imitation controlled substance in
22 violation of **this chapter**, and if the person is not
23 referred to juvenile court, the law enforcement agency
24 of which the peace officer is an employee shall make
25 a reasonable attempt to notify the person's custodial
26 parent or legal guardian of such possession, whether
27 or not the person is arrested, unless the officer has
28 reasonable grounds to believe that such notification
29 is not in the best interests of the person or will
30 endanger that person. If the person is taken into
31 custody, the peace officer shall notify a juvenile
32 court officer who shall make a reasonable effort to
33 identify the elementary or secondary school the person
34 attends, if any, and to notify the superintendent of
35 the school district, the superintendent's designee,

1 or the authorities in charge of the nonpublic school
2 of the taking into custody. A reasonable attempt to
3 notify the person includes but is not limited to a
4 telephone call or notice by first-class mail.

5 Sec. 43. NEW SECTION. 124.417 Imitation controlled
6 substances — exceptions.

7 It is not unlawful under this chapter for a person
8 registered under section 124.302, to manufacture,
9 deliver, or possess with the intent to manufacture or
10 deliver, or to act with, one or more other persons
11 to manufacture, deliver, or possess with the intent
12 to manufacture or deliver an imitation controlled
13 substance for use as a placebo by a registered
14 practitioner in the course of professional practice or
15 research.

16 Sec. 44. Section 124.502, subsection 1, paragraph
17 a, Code 2016, is amended to read as follows:

18 a. A district judge or district associate judge,
19 within the court's jurisdiction, and upon proper
20 oath or affirmation showing probable cause, may issue
21 warrants for the purpose of conducting administrative
22 inspections under [this chapter](#) or a related rule
23 ~~or under chapter 124A~~. The warrant may also permit
24 seizures of property appropriate to the inspections.
25 For purposes of the issuance of administrative
26 inspection warrants, probable cause exists upon showing
27 a valid public interest in the effective enforcement
28 of the statute or related rules, sufficient to justify
29 administrative inspection of the area, premises,
30 building, or conveyance in the circumstances specified
31 in the application for the warrant.

32 Sec. 45. Section 155A.6, subsection 3, Code 2016,
33 is amended to read as follows:

34 3. The board shall establish standards for
35 pharmacist-intern registration and may deny, suspend,

1 or revoke a pharmacist-intern registration for failure
2 to meet the standards or for any violation of the laws
3 of this state, another state, or the United States
4 relating to prescription drugs, controlled substances,
5 or nonprescription drugs, or for any violation of this
6 chapter or [chapter 124](#), ~~[124A](#)~~, [124B](#), [126](#), [147](#), or [205](#),
7 or any rule of the board.

8 Sec. 46. Section 155A.6A, subsection 5, Code 2016,
9 is amended to read as follows:

10 5. The board may deny, suspend, or revoke the
11 registration of, or otherwise discipline, a registered
12 pharmacy technician for any violation of the laws
13 of this state, another state, or the United States
14 relating to prescription drugs, controlled substances,
15 or nonprescription drugs, or for any violation of this
16 chapter or [chapter 124](#), ~~[124A](#)~~, [124B](#), [126](#), [147](#), [205](#), or
17 [272C](#), or any rule of the board.

18 Sec. 47. Section 155A.6B, subsection 5, Code 2016,
19 is amended to read as follows:

20 5. The board may deny, suspend, or revoke the
21 registration of a pharmacy support person or otherwise
22 discipline the pharmacy support person for any
23 violation of the laws of this state, another state,
24 or the United States relating to prescription drugs,
25 controlled substances, or nonprescription drugs, or for
26 any violation of [this chapter](#) or [chapter 124](#), ~~[124A](#)~~,
27 [124B](#), [126](#), [147](#), [205](#), or [272C](#), or any rule of the board.

28 Sec. 48. Section 155A.13A, subsection 3, Code 2016,
29 is amended to read as follows:

30 3. *Discipline.* The board may deny, suspend, or
31 revoke a nonresident pharmacy license for any violation
32 of [this section](#), [section 155A.15](#), [subsection 2](#),
33 paragraph ["a"](#), ["b"](#), ["d"](#), ["e"](#), ["f"](#), ["g"](#), ["h"](#), or ["i"](#),
34 [chapter 124](#), ~~[124A](#)~~, [124B](#), [126](#), or [205](#), or a rule of the
35 board.

1 Sec. 49. Section 155A.17, subsection 2, Code 2016,
2 is amended to read as follows:

3 2. The board shall establish standards for drug
4 wholesaler licensure and may define specific types of
5 wholesaler licenses. The board may deny, suspend, or
6 revoke a drug wholesale license for failure to meet the
7 applicable standards or for a violation of the laws
8 of this state, another state, or the United States
9 relating to prescription drugs, devices, or controlled
10 substances, or for a violation of [this chapter](#), chapter
11 124, ~~124A~~, [124B](#), [126](#), or [205](#), or a rule of the board.

12 Sec. 50. Section 155A.42, subsection 4, Code 2016,
13 is amended to read as follows:

14 4. The board may deny, suspend, or revoke a limited
15 drug and device distributor's license for failure to
16 meet the applicable standards or for a violation of
17 the laws of this state, another state, or the United
18 States relating to prescription drugs or controlled
19 substances, or for a violation of [this chapter](#), chapter
20 124, ~~124A~~, [124B](#), [126](#), [205](#), or [272C](#), or a rule of the
21 board.

22 Sec. 51. REPEAL. Chapter 124A, Code 2016, is
23 repealed.>

24 2. Title page, by striking lines 1 through 5 and
25 inserting <An Act relating to controlled substances
26 and the medical cannabidiol Act, including imitation
27 controlled substances, temporarily designating
28 substances as controlled substances, including
29 effective date provisions, and providing criminal
30 penalties.>>

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